

ORDINANCE NO. 12-\_\_\_\_\_

BE IT ORDAINED by the City Council of the City of Huntsville, Alabama, as follows:

Section 1. The City Council of the City of Huntsville, Alabama, finds that an application has been presented to the City of Huntsville requesting a vacation of a utility and drainage easement; that the applicant has represented to the City of Huntsville that Wheeler Dealer Multi 17, LLC, is the owner of the property across which said easement lies; that said easement or portion being vacated is not presently used and is no longer needed for a public or municipal purpose.

Section 2. Pursuant to the findings in Section 1 hereinabove, the Mayor of the City of Huntsville, Alabama, is hereby authorized, requested and directed to execute a quitclaim deed vacating the easement hereinafter described, said deed being substantially in words and figures as follows, to-wit:

STATE OF ALABAMA   )  
                                  )  
COUNTY OF MADISON )

**QUITCLAIM DEED**

**KNOW ALL MEN BY THESE PRESENTS**, that the undersigned **CITY OF HUNTSVILLE**, an Alabama municipal corporation, hereinafter referred to as Grantor, in consideration of the sum of Ten Dollars (\$10.00) in hand paid by **WHEELER DEARER 17 MULTI, LLC**, a Delaware limited liability company, hereinafter referred to as Grantee, and other good and valuable considerations, the receipt and sufficiency whereof is hereby acknowledged, does hereby remise, release, quitclaim, and convey unto the Grantee, all of the Grantor's right, title, interest and claim in and to the following real estate situated in the City of Huntsville, County of Madison, State of Alabama, to-wit:

**LOT 2**

**ALL THAT PART OF A 30 FOOT DRAINAGE EASEMENT RECORDED IN DEED BOOK 615, PAGE 320 IN THE OFFICE OF THE JUDGE OF PROBATE, MADISON COUNTY, ALABAMA AND BEING A PART OF THE NORTHWEST QUARTER OF SECTION 32 AND A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 3 SOUTH, RANGE 1 WEST OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY, ALABAMA.**

**PARTICULARLY DESCRIBED AS COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 32; THENCE NORTH 03 DEGREES 33 MINUTES 42 SECONDS WEST 363.00 FEET; THENCE NORTH 87 DEGREES 14 MINUTES 30 SECONDS EAST 610.10 FEET TO THE NORTHWEST CORNER OF BLOCK 4, UNIVERSITY SQUARE SUBDIVISION AS RECORDED IN PLAT BOOK 13, PAGE 66 IN THE OFFICE OF THE JUDGE OF PROBATE, MADISON COUNTY, ALABAMA; THENCE SOUTH 89 DEGREES 36 MINUTES 23 SECONDS EAST 44.97 FEET; THENCE SOUTH 22 DEGREES 32 MINUTES 00 SECONDS EAST 418.11 FEET TO THE POINT OF BEGINNING;**

**THENCE FROM THE POINT OF BEGINNING SOUTH 22 DEGREES 32 MINUTES 00 SECONDS EAST 898.19 FEET; SOUTH 87 DEGREES 28 MINUTES 23 SECONDS WEST 27.59 FEET; THENCE SOUTH 02 DEGREES 47 MINUTES 24 SECONDS EAST 12.07 FEET; THENCE NORTH 22 DEGREES 32 MINUTES 00 SECONDS WEST 923.64 FEET; THENCE SOUTH 74 DEGREES 25 MINUTES 58 SECONDS EAST 38.12 FEET TO THE POINT OF BEGINNING.**

**ALSO:**

**ALL THAT PART OF A 40 FOOT UTILITY AND DRAINAGE EASEMENT AS SHOWN ON THE RECORD PLAT OF UNIVERSITY SQUARE SUBDIVISION AS RECORDED IN PLAT BOOK 13, PAGE 66 IN THE OFFICE OF THE JUDGE OF PROBATE, MADISON COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE NORTHWEST CORNER OF BLOCK 4 OF SAID UNIVERSITY SQUARE SUBDIVISION; THENCE SOUTH 02 DEGREES 27 MINUTES 00 SECONDS EAST 333.61 FEET; THENCE SOUTH 02 DEGREES 32 MINUTES 04 SECONDS EAST 735.63 FEET TO THE POINT OF BEGINNING;**

**THENCE FROM THE POINT OF BEGINNING SOUTH 74 DEGREES 56 MINUTES 27 SECONDS EAST 41.96 FEET; THENCE SOUTH 02 DEGREES 32 MINUTES 04 SECONDS EAST 83.75 FEET; THENCE SOUTH 75 DEGREES 11 MINUTES 20 SECONDS EAST 448.67 FEET; THENCE SOUTH 02 DEGREES 47 MINUTES 24 SECONDS EAST 41.96 FEET; THENCE NORTH 75 DEGREES 11 MINUTES 20 SECONDS WEST 490.77 FEET; THENCE NORTH 02 DEGREES 32 MINUTES 04 SECONDS WEST 125.85 FEET TO THE POINT OF BEGINNING.**

**TO HAVE AND TO HOLD** unto the said grantee, its successors and assigns forever.

**IN WITNESS WHEREOF**, Grantor has caused this quitclaim to be signed in its behalf by its Mayor and attested by its Clerk-Treasurer, this the 6th day of December 2012.

**CITY OF HUNTSVILLE, ALABAMA**  
a municipal corporation

By: \_\_\_\_\_  
Tommy Battle, Mayor

**ATTEST:**

By: \_\_\_\_\_  
Charles E. Hagood  
Clerk-Treasurer

**STATE OF ALABAMA)**  
**COUNTY OF MADISON)**

I, the undersigned, a notary public in and for said County, in said State, hereby certify that Tommy Battle and Charles E. Hagood, whose names as Mayor and City Clerk-Treasurer, respectively, of The City of Huntsville, Alabama, a municipal corporation are signed to the foregoing document, and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they, as such officers and with full authority, executed the same for and as the act of said corporation on the day the same bears day.

Given under my hand and official seal this the 6th day of December 2012.

\_\_\_\_\_  
Notary Public

**THIS INSTRUMENT PREPARED BY:**  
Lestie Caren Sharpe, Esq.  
MAYNARD, COOPER & GALE, P.C.  
655 Gallatin Street  
Huntsville, AL 35801

Ordinance No. 12-\_\_\_\_\_ (Cont.)  
Wheeler Dealer Multi 17, LLC

ADOPTED this the 6th day of December, 2012.

\_\_\_\_\_  
President of the City Council  
of the City of Huntsville, Alabama

APPROVED this the 6th day of December, 2012.

\_\_\_\_\_  
Mayor of the City of  
Huntsville, Alabama